

1 MELINDA HAAG (CABN 132612)

United States Attorney

2 MIRANDA KANE (CABN 150630)

3 Chief, Criminal Division

4 AARON D. WEGNER (CABN 243809)

5 Assistant United States Attorney

6 450 Golden Gate Ave., Box 36055

7 San Francisco, California 94102

Telephone: (415) 436-7200

Fax: (415) 436-7234

E-Mail: [aaron.wegner@usdoj.gov](mailto:aaron.wegner@usdoj.gov)

9 Attorneys for the United States

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. 4-11-70885-MAG  
14 Plaintiff, )  
15 v. )  
16 KENYA BROWN, )  
17 Defendant. )  
18 \_\_\_\_\_) ~~PROPOSED~~ ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM AUGUST 31, 2011 TO  
SEPTEMBER 23, 2011 AND  
EXCLUDING TIME FROM THE SPEEDY  
TRIAL ACT CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

19 With the agreement of the parties, and with the consent of the defendant, the Court enters  
20 this order scheduling an arraignment or preliminary hearing date of September 23, 2011 at 9:30  
21 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the  
22 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time  
23 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 31, 2011 to September 23, 2011.

24 The parties agree, and the Court finds and holds, as follows:

- 25 1. The defendant has been released on a bond.  
26 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.  
27 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into  
28

1 account the exercise of due diligence.

2       3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
3 preliminary hearing.

4       4. Counsel for the defense believes that postponing the preliminary hearing is in his  
5 client's best interest, and that it is not in his client's interest for the United States to indict the  
6 case during the normal 20-day timeline established in Rule 5.1.

7       5. The Court finds that, taking into the account the public interest in the prompt  
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
10 the Court finds that the ends of justice served by excluding the period from August 31, 2011 to  
11 September 23, 2011, outweigh the best interest of the public and the defendant in a speedy trial.  
12 18 U.S.C. § 3161(h)(8)(A).

13       6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
14 hearing date before the duty magistrate judge on September 23, 2011, at 9:30 a.m., and (2) orders  
15 that the period from August 31, 2011 to September 23, 2011, be excluded from the time period  
16 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
17 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18  
19 IT IS SO STIPULATED:

20  
21 DATED: August 29, 2011

/s/  
JOHN PAUL REICHMUTH  
Attorney for Defendant

22  
23 DATED: August 29, 2011

/s/  
AARON D. WEGNER  
Assistant United States Attorney

24  
25 IT IS SO ORDERED.

26  
27 DATED: August 30, 2011

  
LAUREL BEELER  
United States Magistrate Judge